

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANGEL ALVAREZ,

Plaintiff,

-against-

DETECTIVE ROBERT PETERS, NYPD, et al.,

Defendants.

MEMORANDUM AND ORDER

19-cv-6789 (EK) (LB)

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ERIC KOMITEE, United States District Judge:

Plaintiff Angel Alvarez filed this *pro se* complaint on November 29, 2019. He brought Section 1983 claims against several defendants for false arrest, false imprisonment, malicious abuse of process, and malicious prosecution arising from his June 4, 2015 arrest for petit larceny.

On April 9, 2020, the Court dismissed *sua sponte* Plaintiff's claims as to all but one defendant - Detective Peters - and dismissed Plaintiff's claim for malicious abuse of process. See Order at 13-15, ECF No. 4. Of the remaining three claims, the Court allowed one, the malicious prosecution claim, to proceed against defendant Detective Peters. The Court granted Plaintiff sixty days to show cause why two other claims - for false arrest and false imprisonment - should not be dismissed as time-barred. Plaintiff has not responded to the

Court's Order with respect to these two claims, and the deadline has passed.

Accordingly, Plaintiff's false-arrest and false-imprisonment claims are dismissed for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii). As explained in the Court's April 9, 2020 Order, those claims are barred by the statute of limitations for Section 1983 claims. See *Milan v. Wertheimer*, 808 F.3d 961, 963-64 (2d Cir. 2015) (Section 1983 claims must be filed within three years of the date on which the claim accrued). Plaintiff's malicious-prosecution claim against defendant Detective Peters shall proceed.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: Brooklyn, New York
July 1, 2020